



Town Planning and Development Consultants

December 16, 2008

Ms. Lucy Vandenberg  
Executive Director  
State of New Jersey  
Council on Affordable Housing  
101 South Broad Street  
P.O. Box 813  
Trenton, New Jersey 08625-0813

**Re: River Vale COAH Housing Element and Fair Share Plan**

Dear Ms. Vandenberg:

On behalf of the Township of River Vale, Bergen County, I enclose herewith the original copies of an application and supporting documentation including the adopted Housing Element and Fair Share Plan for COAH review and request for Third Round Substantive Certification.

Please contact me if there is any further documentation or information needed and/or questions that you have.

Very Truly Yours,

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael D. Kauker", with a long horizontal flourish extending to the right.

Michael D. Kauker, PP, AICP

cc: Honorable Joseph Blundo, Township of River Vale, Mayor  
Robert J. Gallione, Township of River Vale, Business Administrator  
Holly Schepisi, Township of River Vale, Town Attorney

**Documents included with petition**  
**Township of River Vale**

1. COAH Application Form.
2. Housing Element and Fair Share Plan dated December 4, 2008.
3. Waiver Request from **N.J.A.C. 5:97-8.8**.
4. Certified copies of the following:
  - a. Planning Board Resolution adopting December 4, 2008 Housing Element and Fair Share Plan.
  - b. Governing Body Resolution petitioning with an adopted Housing Element and Fair Share Plan.
  - c. Governing Body resolution requesting review and approval of Development Fee Ordinance.
  - d. Governing Body resolution requesting review and approval of a Spending Plan.
  - e. Governing Body resolution of Intent to appropriate funds or bond in the event of a funding shortfall.
5. Public notice for public hearing of the Planning Board.
6. Draft Development Fee Ordinance.
7. Draft Spending Plan.
8. Revised Service List.
9. Ordinance #192-2008, an ordinance to amend, revise and supplement Chapter 142 of the code of the Township of River Vale, Creating a new zone, entitled TH-1 Town Home Zone (T.H. Zone)
10. Electronic copy of tax maps (cd-rom).

**MASTER PLAN  
HOUSING ELEMENT AND  
FAIR SHARE PLAN**

**RIVER VALE, NEW JERSEY**



**December 4, 2008**

**Prepared for:  
The Township of River Vale**

**Prepared by:**

 **Kauker**  
 **& Kauker**, LLC  
Town Planning and Development Consultants

**356 Franklin Avenue  
Wyckoff, New Jersey 07481**

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201 847-2424 F**

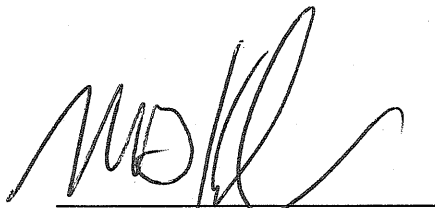
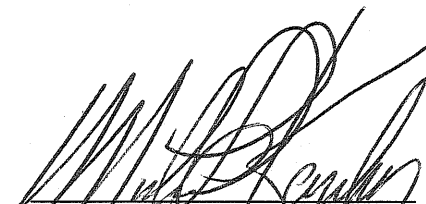
*Prepared by*

**Michael D. Kauker, AICP, PP**

*and*

**Michael F. Kauker, AICP, PP**

This copy conforms to the original copy of this report which is stamped and signed by Michael D. Kauker, Professional Planner's License Number 5737 and Michael F. Kauker, Professional Planner's License Number 993, in accordance with N.J.S.A. 45:14A regulating the practice of Professional Planning in the State of New Jersey.

  
Michael D. Kauker  
Michael F. Kauker



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## INTRODUCTION

The Housing Element and Fair Share Plan presented in this report fulfills the requirements of the *Municipal Land Use Law* (N.J.S.A. 40:55D-1 et seq.) and of Section 10 of the *Fair Housing Act* (N.J.S.A. 52:27D-301 et seq.). The *Fair Housing Act* provides a framework for New Jersey's municipalities to address their constitutional obligation to provide a reasonable opportunity for the construction of affordable housing meeting the needs of citizens in the region of which the community is located. The Council on Affordable Housing (COAH) is the State agency responsible for the administration of the *Fair Housing Act*.

There has been a substantial departure from the Round 1 and Round 2 COAH methodology as it relates to determining a municipality's fair share of affordable housing. The new Round 3 rules utilize a growth share methodology to determine a municipality's affordable housing obligation, which in addition to the rehabilitation share and prior round obligation comprise a municipality's cumulative fair share obligation.

This report includes the information contained in COAH's Revised *Substantive Rules* effective October 20, 2008. More specifically this report contains information required by COAH pursuant to N.J.S.A. 5:97-2.3 "Content of a Housing Element" and N.J.S.A. 5:97-3.2 "Content of a Fair Share Plan". These particular elements are outlined below:

### "Content of a Housing Element" (N.J.A.C. 5:97-2.3)

(a) The Housing Element submitted to the Council shall include:

1. The minimum requirements prescribed by N.J.S.A. 52:27D-310;
2. The household projection for the municipality as provided in chapter Appendix F;
3. The employment projection for the municipality as provided in Appendix F;
4. The municipality's prior round obligation (from chapter Appendix C);
5. The municipality's rehabilitation share (from chapter Appendix B); and
6. The projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.

(b) Supporting information to be submitted with the Housing Element shall include:

1. A copy of the most recently adopted municipal zoning ordinance; and
2. A copy of the most up-to-date tax maps of the municipality, electronic if available, with legible dimensions.

(c) The municipality shall submit any other documentation necessary to facilitate the review of the municipal Housing Element as requested by the Council.

(d) As an alternate to the household and employment projections required by (a)2 and 3 above, a municipality may rely upon its own household and employment growth projections, provided the total growth share resulting from the municipal household and

employment growth projections exceeds the total growth share resulting from the household and employment growth projections provided in Appendix F.

1. The alternate projection of the municipality's probable future construction of housing for 15 years covering the period January 1, 2004 through December 31, 2018 shall consider the following minimum information for residential development:
  - i. Certificates of occupancy issued since January 1, 2004;
  - ii. Pending, approved and anticipated applications for development;
  - iii. Historical trends, of, at least, the past 10 years, which includes certificates of occupancy issued; and
  - iv. Demolition permits issued and projected.
2. The alternate projection of the probable future jobs based on the groups outlined in chapter Appendix D for 15 years covering the period January 1, 2004 through December 31, 2018 for the municipality shall consider the following minimum information for non-residential development:
  - i. Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;
  - ii. Square footage of pending, approved and anticipated applications for development; and
  - iii. Historic trends, of, at least, the past 10 years, which shall include the square footage authorized by certificates of occupancy issued.

As required above the Housing Element submitted to the Council shall include the minimum requirements prescribed by N.J.S.A 52:27D-310. These requirements are as follows:

1. An inventory of the Township's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated.
2. An analysis of the Township's demographic characteristics including, but not limited to, household size, income level and age.
3. An analysis of the existing and probable future employment characteristics of the Township.
4. A determination of the Township's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing.
5. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.

“Content of a Fair Share Plan”

N.J.S.A. 5:97-3.2

Pursuant to §5:97-3.2, a Fair Share Plan describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to address a municipality's rehabilitation share, prior round obligation, and growth share obligation. The Fair Share Plan shall include the following:

1. Description of any credits intended to address any portion of the fair share obligation, which shall include all information and documentation required by N.J.A.C. 5:97-4 for each type of credit;
2. Descriptions of any adjustments to any portion of the fair share obligation, which shall include all information and documentation required by N.J.A.C. 5:97-5 for each adjustment sought;
3. Descriptions of any mechanisms intended to address the prior round obligation, the rehabilitation share, and the growth share obligation;
4. An implementation schedule that sets forth a detailed timetable that demonstrates a “reasonable opportunity” as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6, based on the following:
  - i. Documentation for mechanisms to address the prior round obligation, the rehabilitation share, and the growth share obligation up to the first plan review pursuant to N.J.A.C. 5:96-10 shall be submitted at the time of petition;
  - ii. Documentation for zoning for inclusionary development, an accessory apartment program, or a market to affordable program shall be submitted at the time of petition and implemented within 45 days of substantive certification;
  - iii. Documentation for the extension of expiring controls shall be submitted at the time of petition and implemented in accordance with an implementation schedule pursuant to (a)4iv below; and
  - iv. Documentation for all mechanisms not included in (a)4i through iii above shall be submitted according to an implementation schedule, but no later than two years prior to scheduled implementation of the mechanism, and shall consider the economic viability of the mechanisms and the actual growth share obligation that has or will occur as calculated pursuant to N.J.A.C. 5:97-2.5. Pursuant to N.J.A.C. 5:97-2.5(d), the municipality shall comply with the plan evaluation requirements and shall be subject to the enforcement remedies of N.J.A.C. 5:96-10.4.
5. Notwithstanding (a) 4iv above, a municipality with insufficient vacant land that has been granted or is seeking a vacant land adjustment pursuant to N.J.A.C. 5:97-5.1 or a household and employment growth projection adjustment pursuant to N.J.A.C. 5:97-5.6 shall submit all information and documentation required by N.J.A.C. 5:97-6 at the time of petition, unless it meets the requirements of (a)5i and ii below, in which case it shall submit the required information and documentation in accordance with an implementation schedule, but no later than two years prior to scheduled implementation of the mechanism, and shall consider the economic viability of the mechanisms and the

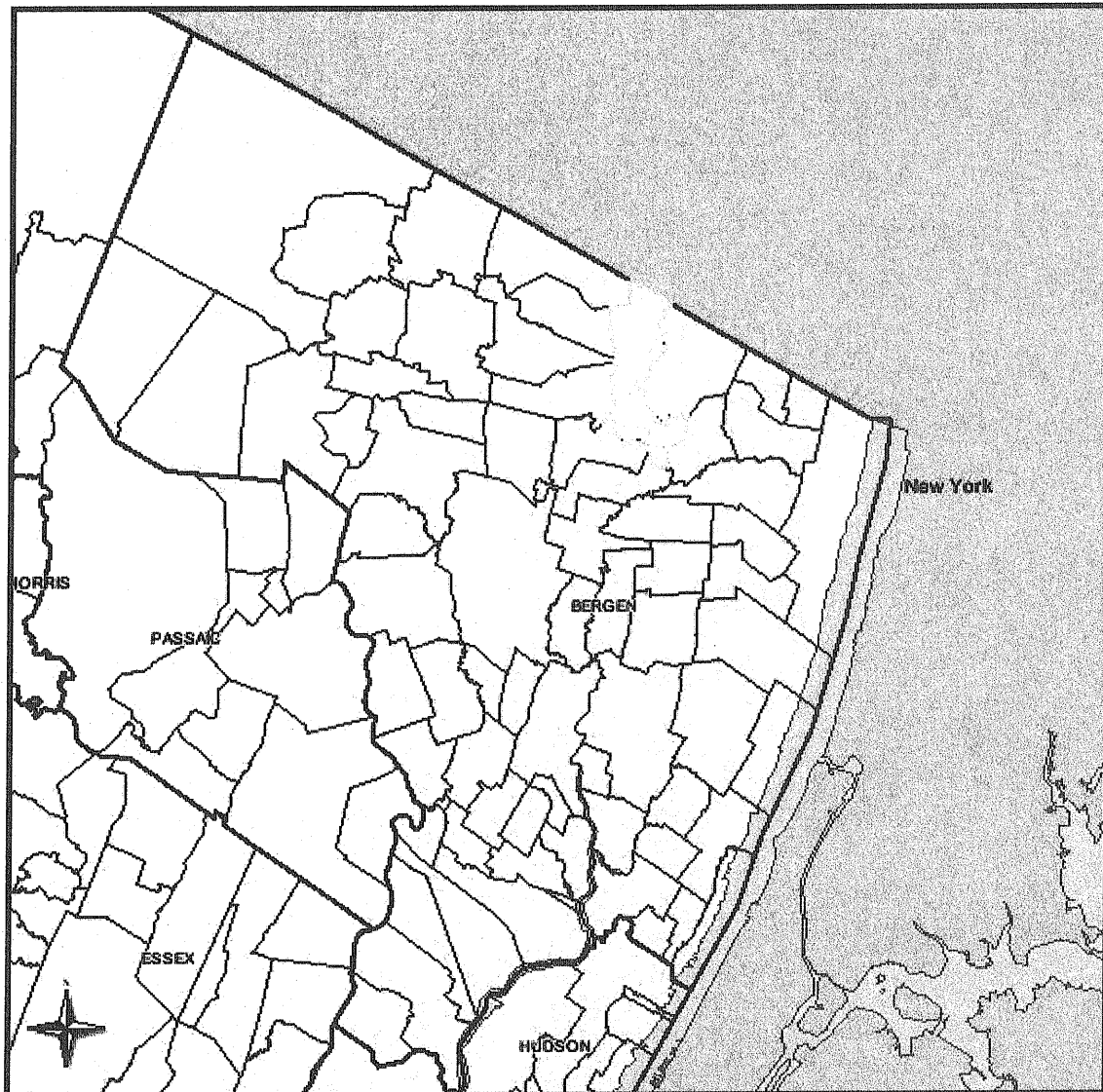
actual growth share obligation that has or will occur as calculated pursuant to N.J.A.C. 5:97-2.5. Pursuant to N.J.A.C. 5:97-2.5(d), the municipality shall comply with the plan evaluation requirements and shall be subject to the enforcement remedies of N.J.A.C. 5:9610.4.

- i. The municipality demonstrates that the mechanism(s) does not rely upon the availability of vacant land (that is, redevelopment); or
  - ii. The municipality takes appropriate measures to reserve scarce resources that may be essential to implement the mechanisms that rely on the availability of vacant land to address the growth share obligation.
6. Draft and/or adopted ordinances necessary for the implementation of the mechanisms designed to satisfy the fair share obligation;
7. A demonstration that existing zoning or planned changes in zoning provide adequate capacity to accommodate any proposed inclusionary developments pursuant to N.J.A.C. 5:97-6.4;
8. A demonstration of existing or planned water and sewer capacity sufficient to accommodate all proposed mechanisms; and
9. A spending plan pursuant to N.J.A.C. 5:97-8.10, if the municipality maintains or intends to establish an affordable housing trust fund pursuant to N.J.A.C. 5:97-8.

Each of these requirements is addressed in the remainder of this report.

## HOUSING ELEMENT

The Township of River Vale has an area of approximately 4.08 square miles and is located in the northeastern section of Bergen County, New Jersey. Bergen County is part of Housing Region 1 as established by COAH consisting of Bergen, Passaic, Hudson and Sussex Counties. The following map depicts the regional location of the Township of River Vale, which is outlined in yellow.



*Source: NJ DEP i-map.*

An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low- and moderate- income households and substandard housing capable of being rehabilitated.

An inventory of the municipality's housing stock including an analysis of housing characteristics is presented in the following section of this report.

The Township of River Vale is primarily a fully developed single-family residential community. As of the 2000 U.S. Census there were a total of 3,312 housing units in the Township of River Vale. There were 3,275 occupied housing units as compared to only 37 vacant housing units. Out of the 3,275 occupied housing units, 91.1% or 2,982 were owner-occupied as compared to 8.9% or 293 renter-occupied housing units. In addition, 81.7% or 2,677 of the housing units were occupied by family households as compared to 18.3% or 598 non-family households. The average household size of these units was 2.87 persons per household and the average family size was slightly higher at 3.22 persons per family.

Most of the development activity in the Township occurred between 1950 and 1960. Development gradually declined over the next two decades and saw a significant decrease beginning in the 1980's through 2000. This decline in housing construction is a result of a corresponding reduction in the amount of developable land. The age of the existing housing stock is depicted in the following table.

TABLE 1  
AGE OF HOUSING UNIT BY YEAR BUILT

Year Structure Built	Number	Percent
<i>Built 1999 to March 2000</i>	8	0.2%
<i>Built 1995 to 1998</i>	98	3.0%
<i>Built 1990 to 1994</i>	95	2.9%
<i>Built 1980 to 1989</i>	391	11.8%
<i>Built 1970 to 1979</i>	624	18.8%
<i>Built 1960 to 1969</i>	725	21.9%
<i>Built 1950 to 1959</i>	863	26.1%
<i>Built 1940 to 1949</i>	217	6.6%
<i>Built 1939 or earlier</i>	291	8.8%
<b>Totals</b>	<b>3,312</b>	<b>100.0%</b>

*Source: US Census, 2000*

The condition of these units is generally good and according the 2000 Census none of the existing housing units are deficient or lack any plumbing or kitchen facilities. All of the units have telephone service and 88.8% or 2,907 units use gas as their primary source of house heating fuel.

Table 2 below indicates the number of units in each structure. As shown in Table 2, 85.7% of the housing units are single-family homes.

TABLE 2  
NUMBER OF HOUSING UNITS IN STRUCTURE

Units in Structure	# of Housing Units	Percent
1-unit, detached	2,837	85.7
1-unit, attached	104	3.1
2 units	43	1.3
3 or 4 units	50	1.5
5 to 9 units	24	0.7
10 to 19 units	39	1.2
20 or more units	215	6.5
<b>Total housing units</b>	<b>3,312</b>	<b>100.0</b>

Source: US Census Bureau, 2000.

The value of specified owner-occupied housing units as reported in the 2000 Census is shown below.

TABLE 3  
OWNER-OCCUPIED HOUSING UNITS BY VALUE

Value	# of Housing Units	Percent
Less than \$ 50,000	30	1.1%
\$ 50,000 - \$ 99,999	7	0.3%
\$100,000 - \$149,999	17	0.6%
\$150,000 - \$199,999	159	5.8%
\$200,000 - \$299,999	713	25.9%
\$300,000 - \$499,999	1,465	53.3%
\$500,000 - \$999,999	359	13.1%
\$1,000,000 or more	0	0.0%
<b>Total:</b>	<b>2,750</b>	<b>100.0%</b>

Source: US Census Bureau, 2000.

The majority of housing units were valued between \$300,000 and \$499,999. The median value of owner-occupied housing units according to the 2000 Census was \$350,300.

According to the 2000 Census, the median monthly owner costs for persons with a mortgage were \$1,893 and \$682 for persons without a mortgage.



The cost of specified renter-occupied housing units as reported in the 2000 Census is shown below.

TABLE 4  
GROSS RENT PER UNIT

Gross Rent	# of Units	Percent
Less than \$ 299	9	3.1%
\$300 - \$399	0	0.0%
\$400 - \$499	0	0.0%
\$500 - \$599	10	3.4%
\$600 - \$699	0	0.0%
\$700 - \$799	17	5.8%
\$800 - \$899	16	5.4%
\$900 - \$999	22	7.5%
\$1000 - \$1499	160	54.4%
\$1500 - \$1999	17	5.8%
\$2000 or more	17	5.8%
No cash rent	26	8.8%
<b>Total:</b>	<b>294</b>	<b>100.0%</b>
Median 1,119		

Source: US Census Bureau, 2000.

The majority of renters paid between \$1,000 and \$1,499 dollar per month on rent, while the median gross rent was \$1,119 per month.

There have been a total of 44 low and moderate housing units constructed in the Township of River Vale during the prior round. The following table depicts the developments, type of units and number of units. A more detailed description of the existing affordable housing units is contained in the Fair Share Plan.

Name	Type	Sale/Rental	Units
Spectrum for Living	Alternate Living Arrangement	Rental	30
Pine Lake	Family	Sale	7
New Concepts for Living	Group Home	Rental	5
Jewish Home	Assisted Living	Rental	2
		<b>Total:</b>	<b>44</b>

In addition to the units that have been constructed a comparison of the home values and rents to the maximum illustrated sale and rent prices in 2008 as provided by COAH indicate that 34 units fall below the maximum sale value of \$126,244 and 74 units fall below the maximum rent value of \$1,051. Keeping in mind that sufficient information was not readily available to determine whether or not these units would meet the bedroom distribution requirements. In addition, the data presented by the Census did not exactly correspond to the COAH pricing and therefore the number of units that are less than these requirements may actually be higher.

An analysis of the municipality's demographic characteristics including, but not limited to, household size, income level and age.

The Township's population has remained relatively stable over the past ten years. The 2000 population of 9,449 persons shows a slight decrease (approximately one percent) from the 1990 population of 9,543 persons. The racial composition of River Vale population is predominately white, accounting for slightly over 92% of Township residents. The racial characteristics of River Vale' residents are identified in **Table 6**.

TABLE 6  
2000 RACIAL CHARACTERISTICS

Race	River Vale Township		Bergen County	
	Number	Percent	Number	Percent
<b>One Race</b>	9,379	99.3%	864,160	97.7%
White	8,724	92.3%	693,236	78.4%
Black or African American	55	0.6%	46,568	5.3%
American Indian or Alaska Native	0	0.0%	1,336	2.0%
Asian	557	5.9%	94,324	10.7%
Asian Indian	47	0.5%	17,862	2.0%
Chinese	134	1.4%	14,166	1.6%
Filipino	25	0.3%	14,224	1.6%
Japanese	99	1.0%	7,662	0.9%
Korean	226	2.4%	36,075	4.1%
Vietnamese	1	-	545	10.0%
Other Asian	25	0.3%	3,790	0.4%
Native Hawaiian and Other Pacific Islander	2	-	193	-
Native Hawaiian	1	-	36	-
Guamanian or Chamorro	1	-	35	-
Samoan	0	-	37	-
Other Pacific Islander	0	-	85	-
Some Other Race	41	0.4%	28,503	3.2%
<b>Two or More Races</b>	70	0.7%	19,958	2.3%
Total	9,449		978,635	

Source: US Census Bureau, 2000.

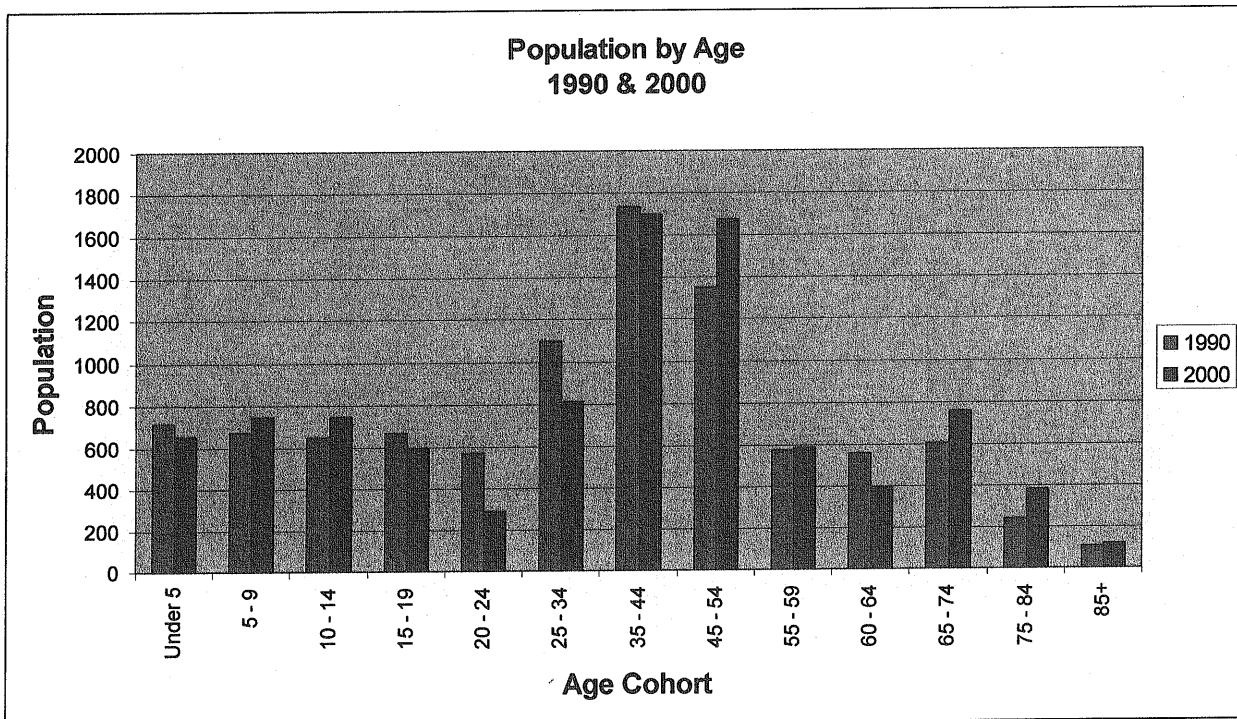
As previously mentioned 81.7% or 2,677 of the housing units were occupied by family households as compared to 18.3% or 598 non-family households. The average household size of these units was 2.87 persons per household and the average family size was slightly higher at 3.22 persons per family.

The Township's population shows a small degree of change in its age groups. The most significant difference between the 1990 and 2000 age of the population is the change in the 20 to 24 and 60 to 64 cohorts, which decreased by 48.3% and 29.2%, respectively. The largest increases in population were in the 85 years and over cohort, with an increase of 58.5%. The increase in the 85+ age group is characteristic of the entire country as life expectancy rates are increasing. Other cohorts that had significant growth were the 45 to 54 and 65 to 74 age cohorts,

increasing by 23.3% and 25.1% respectively. This is reflective of families getting older and remaining in the Township. The age group characteristics based upon the 1990 and 2000 US Censuses are shown in Table 7.

TABLE 7  
POPULATION CHANGE - 1990 TO 2000

Age	1990		2000		Change, 1990 - 2000	
	Number	Percent	Number	Percent	Number	Percent
Under 5 Years	715	7.5%	654	6.9%	-61	-8.5%
5 to 9 years	672	7.0%	744	7.9%	72	10.7%
10 to 14 years	647	6.8%	743	7.9%	96	14.8%
15 to 19 years	665	7.0%	595	6.3%	-70	-10.5%
20 to 24 years	565	5.9%	292	3.1%	-273	-48.3%
25 to 34 years	1102	11.5%	807	8.5%	-295	-26.8%
35 to 44 years	1737	18.2%	1699	18.0%	-38	-2.2%
45 to 54 years	1355	14.2%	1671	17.7%	316	23.3%
55 to 59 years	577	6.0%	589	6.2%	12	2.1%
60 to 64 years	554	5.8%	392	4.1%	-162	-29.2%
65 to 74 years	606	6.4%	758	8.0%	152	25.1%
75 to 84 years	241	2.5%	382	4.0%	141	58.5%
85 years and over	107	1.1%	123	1.3%	16	15.0%
Totals	9,543	100.0%	9,449	100.0%	-94	-1.0%



Source: US Census Bureau, 2000.

In 2000, the average population of the Township's 3,275 households was 2.87. The 2000 median income per household in River Vale was \$95,129, which is a 29% increase over the 1989 household median income of \$66,477. The 2000 breakdown of income categories is shown in Table 8.

TABLE 8  
HOUSEHOLD INCOMES - 2000

Income	# of Households	Percent
Less than \$10,000	97	3.0%
\$10,000 to \$14,999	38	1.2%
\$15,000 to \$24,999	94	2.9%
\$25,000 to \$34,999	180	5.5%
\$35,000 to \$49,999	278	8.5%
\$50,000 to \$74,999	572	17.4%
\$75,000 to \$99,999	456	13.9%
\$100,000 to \$149,999	811	24.7%
\$150,000 to \$199,999	284	8.6%
\$200,000 or more	474	14.4%
Totals	3,284	100.0%

Source: 2000 Census

There were 7,098 persons in the labor force in the Township and only 102 or approximately 1.4% was unemployed at the time of the 2000 Census. Approximately 64% of all persons employed have traditional white-collar jobs, while 36.2% of the labor force is employed in traditional blue-collar occupations. Table 9 indicates the number of employed persons by profession for the Township of River Vale.

TABLE 9  
EMPLOYED PERSONS BY PROFESSION - 2000

Occupation	Number of Persons	Percent
Construction	179	4.1%
Manufacturing	427	9.8%
Wholesale trade	300	6.9%
Retail trade	441	10.1%
Transportation and warehousing, and utilities:	230	5.3%
Information	224	5.1%
Finance, insurance, real estate and rental and leasing:	486	11.1%
Professional, scientific, management, administrative, and waste management services:	670	15.3%
Educational, health and social services:	937	21.5%
Arts, entertainment, recreation, accommodation and food services:	174	4.0%
Other services (except public administration)	213	4.9%
Public administration	85	1.9%
Total:	4,366	100.0%

Source: US Census Bureau, General Social and Economic Characteristics, 2000 US Census

An analysis of the existing and probable future employment characteristics of the municipality.

The most recent employment data for the Township of River Vale indicate that as of December 2006 there were 1,474 jobs located within the township. This represents an increase of 76 jobs

from 2005, where there were 1,398 jobs located within the township. The following table shows employment in terms of the number of jobs in the township from 2004 to 2006.

TABLE 10  
NUMBER OF JOB BY YEAR

Year	Number of Jobs	# Change	% Change
2004	1,419	-	-
2005	1,398	-21	-1.5%
2006	1,474	76	5.4%

Source: NJ Department of Labor and Workforce Development

The following table shows the most recently available in-place employment data by industry sectors and the number of persons employed in the Township of River Vale. This data provided is from December of 2003. The two industry sectors with the highest number of employees were the Health Care and Social Assistance and Administrative and Waste Services.

TABLE 11  
NUMBER OF JOBS BY INDUSTRY SECTOR- 2003

MUNICIPALITY/INDUSTRY	Number of Jobs
RIVER VALE TOWNSHIP	
Construction	109
Manufacturing	.
Wholesale trade	34
Retail trade	60
Transportation and warehousing	10
Information	.
Finance and insurance	15
Real estate and rental and leasing	31
Professional and technical services	112
Administrative and waste services	156
Educational services	.
Health care and social assistance	238
Arts, entertainment, and recreation	.
Accommodation and food services	50
Other services, except public administration	41
Unclassified entities	49
PRIVATE SECTOR MUNICIPALITY TOTAL	1,040
LOCAL GOVT MUNICIPALITY TOTAL	325

Source: NJ Department of Labor and Workforce Development

A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing.

The Township's present and prospective fair share for low and moderate-income housing is presented below and consists of the rehabilitation share, the prior round obligation and the growth share obligation.

Deficient housing units occupied by low- and moderate-income households which are referred to as rehabilitation share;

The rehabilitation share for affordable housing is the number of existing housing units as of April 1, 2000 that are both deficient and occupied by households of low or moderate income as determined through the methodology provided in Appendix B, or through a survey of the municipal housing stock conducted in accordance with the provisions of N.J.A.C. 5:97. Each municipality's rehabilitation share is calculated in Appendix B, incorporated herein by reference.

The rehabilitation share as calculated in Appendix B is 0 housing units.

Remaining Prior Round (1987 - 1999) Obligation assigned to a municipality by the Council or the court for the period 1987 through 1999;

River Vale's remaining prior round (1987 – 1999) obligation for the first and second rounds as calculated in Appendix C is 121 units.

The share of the affordable housing need generated by a municipality's actual growth (2004 - 2018) based upon the number of new housing units constructed and the number of new jobs created as a result of non-residential development.

The "growth share" for the period January 1, 2004 through January 1, 2018 is based on COAH's projections provided in Appendix F. Projections of household and employment growth shall be converted into projected growth share affordable housing obligations by applying a ratio of one affordable unit among five residential units projected, plus one affordable unit for every 16 newly created jobs projected. In the alternative a municipality may utilize its own growth projections to calculate growth pursuant to N.J.A.C. 5:97-2.3(d), if the projections exceed the projections in Appendix F. A municipality may also seek an adjustment to the household and employment projections in Appendix F, where insufficient vacant land exists.

In determining its 2004-2018 growth share obligation, the township of river Vale is relying upon COAH's projections in Appendix F. Workbook A provided by COAH was used to calculate the projected growth share obligation. This workbook is included in this document as Appendix A. After allowing exclusions to the growth share projections for applicable affordable housing developments that have not yet been constructed River Vale's projected growth share obligation is 28 units.

The Township of River Vale has a total obligation including the rehabilitation share, prior round obligation and growth share of 149 units. The 149 units are broken down as follows: Rehabilitation – 0; Prior Round Obligation – 121; Third Round Growth Share – 28. The following table documents these components.

**TABLE 12**  
**FAIR SHARE OBLIGATION: 1999-2018**

<b>Step 1</b>	Rehabilitation Share (2000)	+	0
<b>Step 2</b>	Remaining Prior Round (1987-1999) Obligation	+/-	121
<b>Step 3</b>	Growth Share (2004-2014) (10-year need)	+	28
<b>Step 4</b>	Fair Share Obligation (1999-2014)	=	149

\* Fair Share Obligation is the sum of Rehabilitation Share (2000), Remaining Prior Round (1987-1999) Obligation, and growth share (2004-2018) calculated as development occurs through ratios.

The Township of River Vale has adequate capacity to accommodate its present and prospective housing need. As previously mentioned it is a predominantly fully developed community and has no plans for expanding its existing infrastructure except where needed to serve the proposed affordable developments.

There is no anticipated demand for the types of uses permitted in the zoning ordinance based on the existing and anticipated demographic characteristics of the Township. The uses permitted in the zoning ordinance are reflected by existing uses within the town for the most part. As mentioned the predominant land use in the community is the single-family home with some multiple-family development to help balance the residential land uses within the community. Similar to other communities there is an increase in the number of persons ages 65 and over. There is an existing assisted living residence and a proposed age-restricted development and there are additional age-restricted residences in the region. The non-residential uses in the community are limited and are located along Westwood Avenue and River Vale Road. As with many communities in Bergen County the Township utilizes many of the regional commercial uses within the county. There are also three golf courses located within the Township as well as public parks. Similar to River Vale relying on other uses in the neighboring communities and region, the neighboring communities and region rely upon these uses within the Township and these uses help to meet a need for open space and recreation within Bergen County as there is a limited amount of existing and available land for these purposes.

Since River Vale is a fully developed community with established land use patterns, it is not anticipated that the existing land use patterns within the township would change.

As mentioned the majority of land within the township is already developed. Most of the remaining vacant parcels of land are vacant because of environmental constraints that hinder development of the properties. A majority of the vacant land within the Township is constrained by DEP Category One Designation and wetlands.

A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.

The Township is a predominantly fully developed community with little opportunity for continued growth with the exception of limited infill development and redevelopment. Most of the vacant lands that exist within the Township are either used for open space and recreation purposes or are environmentally constrained.

There are three properties within the Township that are appropriate for the construction of low and moderate income housing. These three properties are the Kirk property, Mesker property and the River Vale Developers property. The Kirk property is proposed to be developed with a 100% affordable housing development, the Mesker property will be developed with a combination inclusionary and 100% affordable component and River Vale Developers is proposed inclusionary development site. These properties will be described in further detail in the Fair Share Plan.



## **PROPOSED FAIR SHARE PLAN**

This section of the report addresses the municipality's total 1987 through 2018 fair share obligation and describes how the municipality will meet its overall obligation. The Fair Share Plan shall be adopted by the Planning board and endorsed by the governing body prior to municipal petition for substantive certification.

### **Prior Round Obligation Compliance Plan**

The Township of River Vale has a remaining prior round obligation of 121 units which will be addressed in the following manner:

#### **Credits**

Credits represent units that have been built, created or rehabilitated. The following sites have been previously built and represent credit for the remaining prior round obligation.

##### **Spectrum for Living (Block 2301, Lot 10)**

Spectrum for Living is an alternate living residence for the developmentally disabled that contains 30 rental units, which is part of the Township's prior round obligation. The Township had previously submitted crediting documentation indicating that the occupants are income eligible pursuant to COAH requirements, which is confirmed in the COAH Compliance Report dated December 21, 1995. Since this development is not age-restricted the township is eligible for a two-for-one rental bonus credit, for a total credit of 60 units from the Spectrum for Living facility.

##### **New Concepts for Living**

The New Concepts for Living is an alternative living residence that consists of 5 rental units. This development is also not age-restricted, but is not eligible for the rental bonus credit as the Township has met its 25% cap on rental bonus credits for the Prior Round and would therefore result in a total credit of 5 units.

##### **Pine Lake**

Pine Lake is an inclusionary development that was a part of the certified prior round plan. It was known as Site 13 in that plan and has already been constructed. The development resulted in the construction of 65 total units of which 7 low and moderate income units were built on-site. There was also a monetary contribution in the amount of \$140,000 to be used to fund 7 RCA units. The last deed recorded for the development was dated March 3, 2002. This development would result in a total credit of 7 units.

##### **Jewish Home (Block 2101, Lots 2 and 3)**

The Jewish Home is an age-restricted assisted living residence consisting of 107 rental units. There are 2 deed restricted low and moderate units included within the development. This development would result in a total credit of 2 units.

#### **Reductions**

Reductions represent units that have not yet been constructed. The following sites have not been built or completed as of the date of this report.

River Vale Developers 1 (aka I-6B)

The proposed development for this property consists of an inclusionary zoning development that will result in the construction of 50 total units of which 8 will be low and moderate units constructed on-site. The subject site located off of Poplar Road in the Township of River Vale and has a lot area of 10.046 acres and is identified as Block 1001.01, Lot 2 in the Township's tax records. The property is owned by River Vale Developers, LLC, whose mailing address is 820 Morris Turnpike, Short Hills, NJ. The property is located within the Township's MFAH – Multiple Family Affordable Housing District. The inclusion of this site in the Round 2 Fair Share Plan was a result of a court ordered settlement in 1991. In the Round 2 Plan this site was identified as site 3A, also know as site I-6B pursuant to the court ordered settlement agreement.

The subject property is surrounded by the Bergen Hills Golf Course to the north, Pine Lake Development to the west, Lake Tappan to the east and Opens Space to the south. Analysis utilizing NJDEP data indicates that a portion of the site is encumbered by environmental constraints in the form of wetlands. A portion of the site is located within the C-1 Watershed Conservation Area. The following aerial photograph depicts the subject properties (outlined in yellow) and the surrounding area.



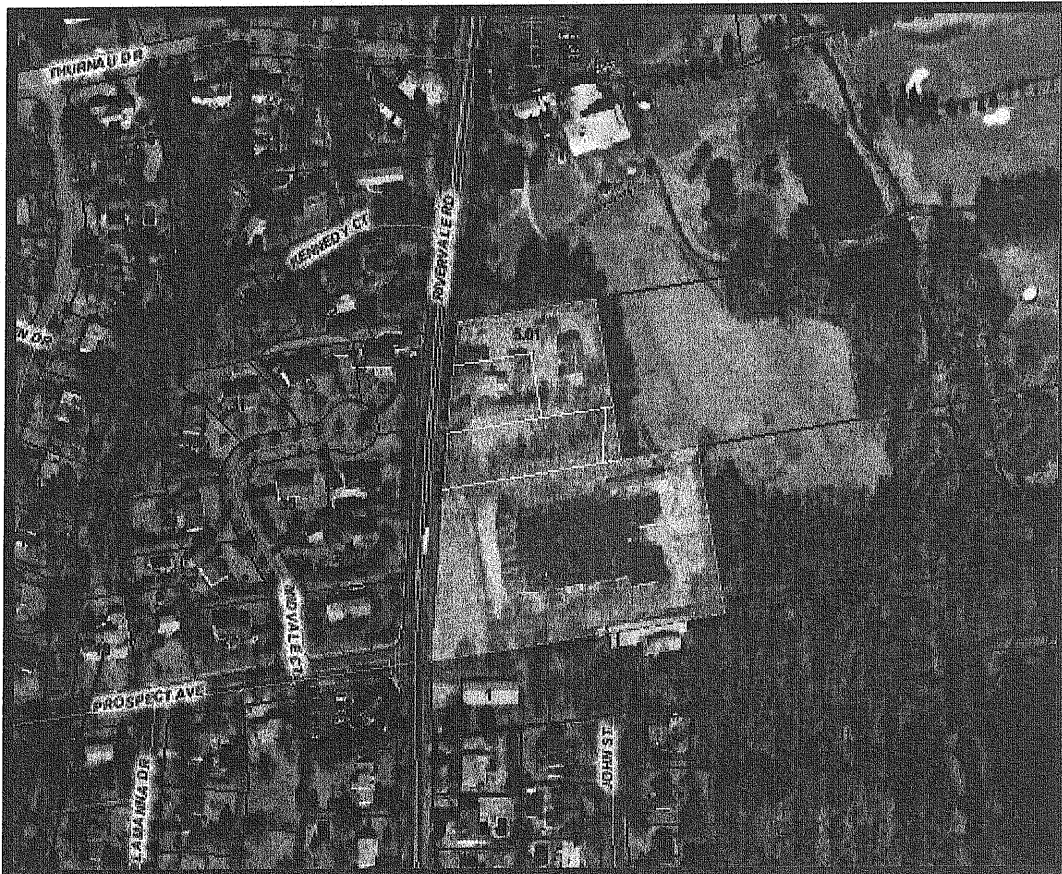
Source: Bergen County GIS

### Mesker Housing

The Mesker Senior Housing site is a proposed inclusionary development that would result in the construction of 59 total units of which 12 would be low and moderate units built on-site. This 5.3 acre property consists of five separate parcels, and a portion of another, located off of River Vale Road and are identified as Block 701, Lots 5, 5.01, 5.02, 7, 8 and a portion of Lot 6.

All of the properties are owned by Chemitek 2006, LLC, whose mailing address is PO Box 1084, Englewood Cliffs, NJ 07632. The property was previously located within three separate zoning districts. Lots 5, 5.01, 5.02 and 7 were located within the Township's A – Residential District. Lot 8 was located in the former SHD – Senior Housing District and the portions of Lot 6 were located in the EO – Executive Office District. These properties have been rezoned and are now included within the TH-1 – Town Home Zone.

The subject property is surrounded by a mix of land uses, including the Bergen Hills golf Course to the north and east, single-family homes on the opposite side of Rivervale Road to the west, and the Fire Department to the south. The sites are located on and have access from Rivervale Road and are located within Planning Area 1 (PA1). Analysis utilizing NJDEP data indicates that the sites are not encumbered by any constraints that would preclude development of this property for its intended use. The following aerial photograph depicts the subject properties (outlined in yellow) and the surrounding area.



Source: Bergen County GIS

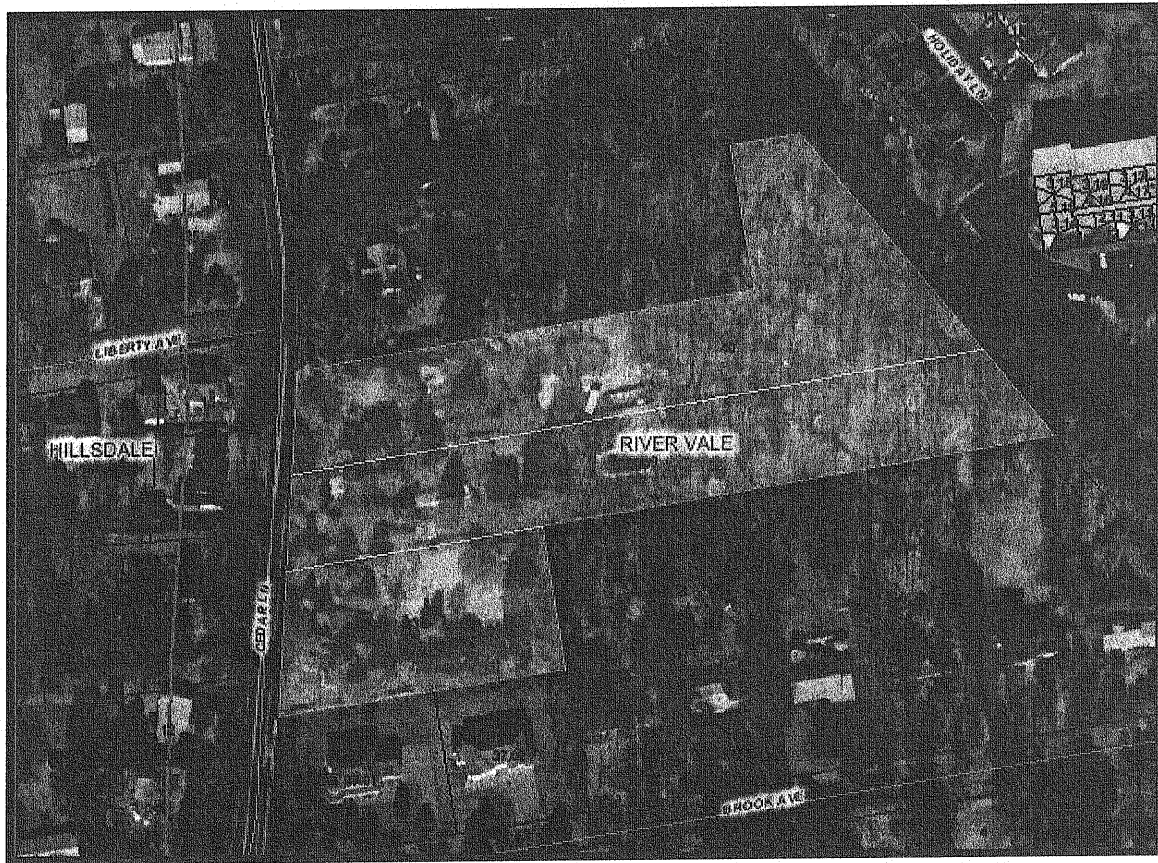
**Kirk Property**

The subject property is located along Cedar Lane in the Township of River Vale, New Jersey. It consists of three separate tax lots and is identified as Block 1301, Lots 38, 39 and 40. The three parcels have a combined lot area of 4.23 acres. The property is proposed to be developed with a 100% affordable housing development at a gross density of approximately 7 units per acre. The Township would partner with the Bergen County Housing Authority who would be responsible for building and managing the project.

The entire development would consist of a three-story building, which would contain 31 age-restricted rental dwelling units. It is proposed that 27 of the units would address the Township's prior round obligation and the remaining 4 units would address the growth share obligation. The proposed development concept plan is attached to this plan as Appendix B.

The subject property is surrounded by a mix of land uses, including multiple family uses, single-family homes and public uses. More specifically the Holiday Farm Development to the east, which is comprised of a number of townhome uses as well as a five-story apartment building. On the opposite side of Cedar Lane is the Borough of Hillsdale. The existing land uses are single-family homes and the Hillsdale Swim Club. To the north and south along Cedar Lane are single-family homes. The sites are located on and have access from Cedar Lane and are located within the Planning Area 1 (PA1).

Analysis utilizing NJDEP data indicates that the site is partially constrained by a 300 foot buffer required for the Holdrum Brook, which is identified as a Category One Stream. There are no wetlands, steep slopes or flood plains on the property. It is not a critical environmental site, it is not a historic or architecturally important site or is it located within a historic or architecturally important district. It is not contaminated or a proposed or designated Brownfield site. The total biddable area of the site is approximately 2.58 acres. The following aerial photograph depicts the subject properties (outlined in yellow) and the surrounding area. Please note that the building shown on Lot 8 has been demolished.



Source: Bergen County GIS

### **Prior Round Rental Obligation**

Under Rounds 1 and 2 the rental obligation was calculated as a percentage of the Township's new construction requirement based on the following formula:

$$\text{Rental obligation} = .25 (121 \text{ unit}) = 30.25 \text{ units}$$

This rental obligation will be addressed through the Spectrum for Living development which provides a total of 30 rental units.

### **Prior Round Age-Restricted Units**

Prior round regulations permitted the Township to age-restrict 25 percent of its 1987-1999 affordable housing obligation. The 121 units would permit the Township to age-restrict 30 units. The Kirk project and the Jewish Home are the only age-restricted development that will be used in addressing the prior round obligation. These developments will contain a total of 29 age-restricted affordable units which will be constructed on-site.

The following table summarizes how the Township of River Vale will meet its Prior Round Obligation of 121 units.



**TABLE 13**  
**PRIOR ROUND OBLIGATION**

Name	Old Site Reference	Total Units	Affordable Units On-Site	Bonus Credits	Total Credits
(Spectrum for Living) Block 2301, Lot 10	Same	30	30	30	60
(Pine Lake/Kalian) Block 1001.01, Lot 9 Block 1001.02, Lot 9	13	65	7		7
(New Concepts for Living) Block 813, Lot 11	New	5	5	0	5
(Jewish Home) Block 2101, Lots 2 & 3	New	107	2	0	2
(River Vale Developers 1) Block 1001.01, Lot 2	3A	50	8	0	8
(Mesker Housing) Block 701, Lots 5, 5.01, 7 & 8	New	59	12	0	12
Kirk Property (Age-restricted)	New	27	27		27
<b>Total</b>			<b>91</b>	<b>30</b>	<b>121</b>

\* Rental unit's bonus of 2 for 1 up to the rental cap of 25% of the municipalities fair share obligation. Obligation is 121, 25% of 121 is 30. Bonus of 30 units is allowed.

The table above indicates that within the Township of River Vale 91 affordable units have been built or are proposed in order to address its prior round obligation. The township will also be eligible to receive 30 rental bonus credits resulting in a total of 121 credits addressing the prior round.

#### **Growth Share Obligation Compliance Plan**

The projected growth share for the Township of River Vale covering the period January 1, 2004 through December 31, 2018 was calculated pursuant to N.J.S.A. 5:97-2.4. The projected growth share for this period was 28 units, which will be addressed in the following manner:

#### **Reductions**

Reductions represent units that have not yet been constructed. The following sites have not been built or completed as of the date of this report.

#### **Kirk Property**

It is proposed that the remaining 4 age-restricted rental units from the proposed three-story building located on the Kirk property would be used to address a portion of the growth share obligation.

### Mesker Phased Development Project

As a part of the agreement for the Mesker project approximately 1.6 acres of land will be deeded to the Township of River Vale. This property can provide a reasonable opportunity for addressing the projected growth and any growth share obligation that may accrue through 2018. In order to address its growth share it is proposed that the property be developed in phases with a 100% affordable development. This property could be developed with a total of 24 family rental units in separate buildings. This would result in a density of 15 dwelling units per acre. It is suggested that 3 separate buildings be constructed, which contain 4 duplex townhome style units with each containing 2 dwelling units. More specifically, there would be one unit on the lower floor and a second unit on the upper floor. This would give the Township the flexibility to provide for their obligation when the growth occurs. The Township would also have the ability to change the building configuration and construct 4 building with 3 duplex townhome units or in any other manner that they deem to be appropriate to address its actual growth. It is also proposed that 4 of the proposed family rental units be set aside for very low-income individuals consistent with the new COAH requirement that 13% of the growth share be addressed with very low-income units. It is proposed that these 24 units would address the Townships Growth Share Obligation.

### **Growth Share Rental Obligation**

The Township must provide rental housing of at least 25% of the growth share obligation. Therefore, the Township would be required to provide for 7 rental units ( $28 \times 0.25 = 7$ ). There are 28 rental units proposed consisting of 4 age restricted units from the Kirk project and 24 family rental units from the Mesker Phased Development project. COAH requires that at least 50% of the rental obligation must be met with family housing, which means at least 4 units would have to be family housing rental units. Therefore, the 7 unit rental obligation will be addressed by 4 family rental units from the Mesker Phased Development project and 3 of the age-restricted rental units on the Kirk project. The remaining rental units would be eligible for a rental bonus credit which is capped at 25% of the growth share obligation.

### **Growth Share Age-Restricted Units**

Pursuant to the Third Round regulations no more than 25% of the growth share obligation addressed within a municipality may be met with age-restricted housing. Therefore, the Township would be permitted to age-restrict 7 units ( $28 \times 0.25 = 7$ ). There are 4 age-restricted dwelling units proposed for the growth share.

### **Family Unit Requirement**

The new regulations require that 50% of the growth share obligation be met with family unit as defined in the regulations. Therefore 14 units would have to be available to families. The proposed townhome project on the Mesker property would consist of 24 family units, which would satisfy the required number of family units.

### **Very Low income Housing Requirement**

New legislation passed this year requires that 13% of all affordable housing units be made available to very-low income individuals. This would result in a requirement of 3.64 or 4 units

for the growth share. It is proposed that this requirement be fulfilled by the Mesker Phased Development project.

Note that the requirements for the rental obligation, age-restricted units, family units, very low-income housing units and bonus credits are based upon the projected growth share obligation and may change based upon actual growth.

The following table summarizes how the Township of River Vale will meet its Growth Share Obligation of 28 units.

**TABLE 14**  
**GROWTH SHARE OBLIGATION**

Name	Old Site Reference	Total Units	Affordable Units On-Site	Bonus Credits	Total Credits
Kirk Property (Age-restricted)	New	4	4		4
Mesker Phased Development Project	New	24	24	7*	31
<b>Total</b>			28	7	35

\* There is a cap on the total number of bonus credits eligible under COAH regulations. The current growth share obligation is capped at a total number of 7 bonus credits (25% of GSO).

The table above indicates that the Township of River Vale is proposing 28 affordable housing units be constructed in order to address its growth share obligation. The township will also be eligible to receive 7 rental bonus credits resulting in a total of 31 credits addressing the growth share. The projected growth share obligation for the Third Round is 28 affordable units. The township would have a surplus of 7 rental bonus credits to address any future need.

#### **Surplus Credits**

The Township has a surplus of 7 credits resulting from the rental bonus credit, which will be used to address any future obligation.

**TABLE 15**  
**SURPLUS CREDITS**

	Credit
Surplus Rental Bonus Credits	7



**Summary of Total 1987 to 2018 Obligation**

The following table summarizes the Township of River Vale's compliance with their affordable housing obligation for the (1987-2018) period.

TABLE 16  
SUMMARY OF TOTAL 1987 TO 2018 OBLIGATION

Total 1987 – 2014 Obligation	149
- Credits addressing Prior Round Obligation	121
- Credits addressing Growth Share Obligation	35
Total Credits	156
Surplus Credits	7

## AFFIRMATIVE MARKETING PLAN

This Affirmative Marketing Plan applies to all developments that contain low- and moderate-income units.

The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan addresses the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, affectional or sexual orientation, religion, handicap, age, familial status/size or national origin.

River Vale is in COAH Housing Region 1 consisting of Bergen, Hudson, Passaic and Sussex Counties.

The affirmative marketing program is a continuing program and will meet the following requirements:

- The affirmative marketing process for available affordable units shall begin at least four months prior to expected occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold.
- One advertisement will be published in the following newspaper(s) of general circulation within the housing region:

The Record  
Community Life

- The advertisement will include the following:
  - The location of the units;
  - Directions to the housing units;
  - A range of prices for the housing units;
  - The size, as measured in bedrooms, of the housing units;
  - The maximum income permitted to qualify for the housing units;
  - The business hours when interested households may obtain an application for a housing unit; and
  - Application fees, if any.
- One advertisement will be broadcasted on the following regional radio and/or cable television station(s):

Cablevision of New Jersey

- Additionally, all newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in the following:

The Record  
Community Life

- Applications will be mailed to prospective applicants upon request.
- The following is the location of applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program:
  1. The county administrative building and/or the county library for each county within the housing region;
  2. The municipal administrative building(s) and the municipal library;
  3. The developer's sales/rental office.
- The following is a list of community and regional organizations that will aid in soliciting low- and moderate-income applicants:

Religious Groups  
Tenant Organizations  
Civic Organizations

- The following is a description of the random selection method that will be used to select occupants of low- and moderate-income housing:

Each applicant upon submission of an application will be designated a number. Two categories will be created: one for low-income households and one for moderate-income households. A blind drawing will be undertaken: one each for low- and moderate-income households who are eligible for the specific affordable units.

- A waiting list of all eligible candidates will be maintained in accordance with the provisions contained in N.J.A.C. 5:80-26 et. seq.
- Households who live or work in Housing Region 1 shall be given preference for sales and rental units constructed within this Housing Region. Applicants living outside this Housing Region will have an equal opportunity for units after regional applicants have been initially serviced.

River Vale is ultimately responsible for administering the affordability controls and the Affirmative Marketing Plan.

River Vale has delegated this responsibility to the Municipal Liaison who shall administer the affordable housing program, including administering and enforcing the affordability controls and this Affirmative Marketing Plan, in accordance with the provisions of Section 43-1 of the

Township of River Vale's Code, the regulations of the Council of Affordable Housing pursuant to N.J.A.C. 5:97 et. seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et. seq.

Subject to approval of COAH, River Vale may contract with one or more administrative agents to administer some or all of the affordability controls and/or the Affirmative Marketing Plan in accordance with the provisions of Section 43-3(D) of the Township of River Vale's Code, the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:97 et. seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et. seq. If River Vale enters into such a contract, the Municipal Liaison shall supervise the contracting administrative agent and shall serve as liaison to the contracting administrative agent.

Appendix A

Worksheet A

**Workbook A: Growth Share Determination Using Published Data**  
(Using Appendix F(2), *Allocating Growth To Municipalities*)

**COAH Growth Projections**  
**Must be used in all submissions**

**Municipality Name:**

**River Vale**

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 <b>Enter Growth Projections From Appendix F(2) *</b>	242	81
2 <b>Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab</b>	<a href="#">Click Here to enter Prior Round Exclusions</a>	
built or projected to be built post 1/1/04		
Inclusionary Development	20	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	27	
Assisted Living	2	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	79	
3 <b>Subtract the following Non-Residential Exclusions (5:97-2.4(b))</b>		
Affordable units	0	
Associated Jobs		0
4 <b>Net Growth Projection</b>	114	81
5 <b>Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)</b>	22.80 Affordable Units	5.06 Affordable Units
6 <b>Total Projected Growth Share Obligation</b>		28 Affordable Units

\* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

## Affordable and Market-Rate Units Excluded from Growth

Municipality Name: **River Vale**

**Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04**

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	27
Assisted Living	2
Other	
<b>Total</b>	<b>29</b>

### Market and Affordable Units in Prior Round Inclusionary Development

Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
Mesker	N	59	47	12	47
RVD I-6B	N	50	42	8	32
		0			0
		0			0
		0			0
<b>Total</b>		<b>109</b>	<b>89</b>	<b>20</b>	<b>79</b>

### Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
<b>Total</b>	<b>0</b>	<b>0</b>

[Return To Workbook A Summary](#)

Appendix B

Kirk Property Concept Plan



Township of River Vale  
Housing Element  
& Fair Share Plan

# Kirk Property Concept Plan

Block 1301, Lots 38, 39 & 40

## Legend

-  CI Waterwat 300 ft Buffer
-  Affordable Housing Site

Cedar Lane

Development Concept  
2- or 3-Story Residential Building  
31 Low / Moderate Age-Restricted Units  
52 Parking Spaces  
7.3 Units / Acre

NOT TO SCALE



1 inch equals 70 feet



Kauker  
& Kauker

Urban Planning and Development Consultants



406 Rivervale Road  
River Vale, New Jersey 07675  
201-664-2346

December 16, 2008

Ms. Lucy Vandenberg  
Executive Director  
State of New Jersey  
Council on Affordable Housing  
101 South Broad Street  
P.O. Box 813  
Trenton, New Jersey 08625-0813

**Re: Request for Waiver from N.J.A.C. 5:97-8.8**

Dear Ms. Vandenberg:

As part of its municipal petition the Township of River Vale requests a waiver from N.J.A.C. 5:97-8.8 in accordance with the provisions of N.J.A.C. 5:96-15.1, which stipulates that any person may request a waiver from a specific requirement of the Council's rules at any time. Such a waiver may be requested as part of a municipal petition, by motion in conformance with N.J.A.C. 5:96-13, or in such other form as the Council may determine.

As mentioned above a waiver is being requested from N.J.A.C. 5:97-8.8, which requires that at least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipality's Fair Share Plan. One-third of the affordability assistance shall be used to provide affordability assistance to very low income households.

On December 10, 2008 the Council granted a waiver for emergent relief from N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a) with certain conditions one of which was that River Vale shall include in its Third Round petition a waiver from N.J.A.C. 5:97-8.8.

N.J.A.C. 5:96-15.2(a) gives the Council the authority to grant a waiver from its rules if it is demonstrated that the strict application of the rule would create an unnecessary financial, environmental or other hardship or in the alternative grant a waiver if the applicant can satisfy N.J.A.C. 5:96-15.2(a)1, 2 and 3.

We submit to the Council that there would be a financial hardship as the Township has expended all of its Housing Trust Fund in order to purchase property on which it proposes to build affordable housing. Furthermore, the Township of River Vale proposes to use funds that are collected during the third round for the purposes of affordability assistance as described in N.J.A.C. 5:97-8.8. Therefore, we respectfully request that the Council grant the request for emergent relief as described in this letter.

Very truly yours,



Robert Gallione

Township of River Vale Business Administrator

cc: Service list

PLANNING BOARD OF THE  
TOWNSHIP OF RIVER VALE

RESOLUTION

HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of the Township of River Vale, Bergen County, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on July 5, 2005; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

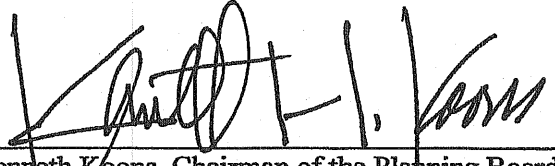
WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987-2018 fair share obligation of the Township of River Vale ; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Township of River Vale held a public hearing(s) on the Housing Element and Fair Share Plan on December 15, 2008; and

WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Township of River Vale's July 5, 2005 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of River Vale, Bergen County, State of New Jersey, that the Planning Board hereby adopts the December 4, 2008 Housing Element and Fair Share Plan.

  
Kenneth Koons, Chairman of the Planning Board

I hereby certify that this is a true copy of the resolution adopting the amended Housing Element and Fair Share Plan of Township of River Vale on December 15, 2008.

  
, Planning Board Secretary



Township of River Vale

Resolution offered: Councilman de Stefan	No. 2008-271
Resolution seconded by: Councilman Bromberg	

**RESOLUTION ADOPTING HOUSING ELEMENT FAIR SHARE PLAN**

WHEREAS, the Planning Board of the Township of River Vale, Bergen County, State of New Jersey, adopted the Housing Element of the Master Plan on December 15, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 15, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Township of River Vale, Bergen County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Township of River Vale Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of the Township of River Vale, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan, including the names and addresses of any objectors, has been included with the re-petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Township of River Vale municipal clerk's office located at 406 River Vale Road, during regular business hours on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

Council Member	AYE	NAY	N.V.	A.B	VETO	Council Member	AYE	NAY	N.V.	A.B	VETO
BROMBERG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MATOS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DE STEFAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASIONOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)

Dated: December 15, 2008

Copy:

I hereby certify that this is a true copy of the Resolution passed by the Township Council at their meeting

held on: December 15, 2008 Attest: Karen Padva  
Karen Padva, Township Clerk



Township of River Vale

Resolution offered: Councilman de Stefan	No. 2008-272
Resolution seconded by: Councilman Bromberg	

**RESOLUTION REQUESTING A REVIEW AND APPROVAL OF DEVELOPMENT FEE ORDINANCE**

WHEREAS, the Governing Body of the Township of River Vale, Bergen County petitioned the Council on Affordable Housing (COAH) for substantive certification on December 16, 2008; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, River Vale has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Township of River Vale, Bergen County requests that COAH review and approve River Vale's development fee ordinance.

Council Member	AYE	NAY	N.V.	A.B	VETO	Council Member	AYE	NAY	N.V.	A.B	VETO
BROMBERG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MATOS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DE STEFAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASIONOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)

Dated: December 15, 2008

Copy:

I hereby certify that this is a true copy of the Resolution passed by the Township Council at their meeting

held on: December 15, 2008 Attest: Karen Padva

Karen Padva, Township Clerk



Township of River Vale

Resolution offered: Councilman de Stefan	No. 2008-273
Resolution seconded by: Councilman Bromberg	

**RESOLUTION REQUESTING REVIEW AND APPROVAL OF MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**

WHEREAS, the Governing Body of the Township of River Vale, Bergen County petitioned the Council on Affordable Housing (COAH) for substantive certification on December 16, 2008; and

WHEREAS, River Vale received approval from COAH on December 15, 2008 of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

**WHEREAS**, River Vale has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Township of River Vale, Bergen County requests that COAH review and approve River Vale's spending plan.

Council Member	AYE	NAY	N.V.	A.B	VETO	Council Member	AYE	NAY	N.V.	A.B	VETO
BROMBERG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MATOS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DE STEFAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASIONOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)

Dated: December 15, 2008

Copy:

I hereby certify that this is a true copy of the Resolution passed by the Township Council at their meeting

held on: December 15, 2008 Attest: Karen Padva  
Karen Padva, Township Clerk





Township of River Vale

Resolution offered: Councilman de Stefan	No. 2008-274
Resolution seconded by: Councilman Bromberg	

**RESOLUTION OF INTENT TO APPROPRIATE FUNDS OR BOND IN THE EVENT OF A FUNDING SHORTFALL**

WHEREAS, the Township of River Vale, Bergen County has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to COAH allocates funds for:

1. The acquisition of property, which will be used for affordable housing;

WHEREAS, River Vale anticipates that funding will come from the following sources to satisfy these obligations:

1. To be determined

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in River Vale's COAH-certified Housing Element and Fair Share Plan, River Vale shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of River Vale, Bergen County, State of New Jersey, that the Governing Body does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, upon written notification by COAH after a finding that inadequate funding exists to complete the affordable housing programs included in River Vale's COAH-certified Housing Element and Fair Share Plan, River Vale agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by COAH; and

BE IT FURTHER RESOLVED that River Vale may repay debt through future collections of development fees, as such funds become available.

Council Member	AYE	NAY	N.V.	A.B	VETO	Council Member	AYE	NAY	N.V.	A.B	VETO
BROMBERG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MATOS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DE STEFAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASIONOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)

Dated: December 15, 2008

Copy:

I hereby certify that this is a true copy of the Resolution passed by the Township Council at their meeting

held on: December 15, 2008 Attest: Karen Padva  
Karen Padva, Township Clerk



Karen Padva, of full age, being duly sworn, deposes  
and says: that she is the Acting Township Clerk of

**The Township of River Vale**

**PUBLIC NOTICE**

**TOWNSHIP OF RIVER VALE  
PLANNING BOARD**

TAKE NOTICE that on the 15TH day of December 2008, at 7:00 p.m., a hearing will be held to amend the Township of River Vale Master Plan to adopt an Amended Housing Element/Fair Share Plan, dated December 4, 2008, prepared by Kauker & Kauker, LLC, before the Planning Board of the Township of River Vale, at the Township of River Vale, Council Chambers, 406 Rivervale Road, River Vale, New Jersey.

In connection with this hearing, the following documents are on file and are available for public inspection during regular business hours, in the office of the Township of River Vale Municipal Clerk and Planning Board 406 River Vale, River Vale, New Jersey:

Amended Housing Element/Fair Share Plan, dated December 4, 2008, prepared by Kauker & Kauker, LLC

Any interested party may appear at this hearing and participate in accordance with the rules of the Planning Board.

BY ORDER OF THE PLANNING  
BOARD OF THE TOWNSHIP OF RIVER  
VALE

LAUREN ROEHRER  
LAND USE ADMINISTRATOR  
Dec 5, 2008 fee: \$36.86 (39)

2487542

and that a notice of which a copy is hereto annexed, was  
published in the said newspaper appeared being dated as follows:

*KR*

**KAREN PADVA  
TOWNSHIP CLERK**

Date: 12-05-08

SEAL

**Township of River Vale**  
**Development Fee Ordinance**

12/15/08

**DRAFT**

**1. Purpose**

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

**2. Basic requirements**

- a) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.
- b) River Vale shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.

**3. Definitions**

- a) The following terms, as used in this ordinance, shall have the following meanings:
  - i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary

development, a municipal construction project or a 100 percent affordable development.

- ii. **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.
- iv. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- v. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- vi. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

#### 4. Residential Development fees

##### a) Imposed fees

- i. Within the A, A-1, B, PRD and SHD zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of 6% percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
  - i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
  - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
  - iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
  - iv. Developers of residential structures demolished and replaced as a result of a natural disaster, shall be exempt from paying a development fee.

## **5. Non-residential Development fees**

- a) Imposed fees
  - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
  - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
  - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed

value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by *[insert municipality]* as a lien against the real property of the owner.

6. Collection procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete

Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should River Vale fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees
  - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by River Vale. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by River Vale. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

## **7. Affordable Housing trust fund**

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  1. payments in lieu of on-site construction of affordable units;
  2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
  3. rental income from municipally operated units;
  4. repayments from affordable housing program loans;
  5. recapture funds;
  6. proceeds from the sale of affordable units; and
  7. any other funds collected in connection with River Vale's affordable housing program.
- c) Within seven days from the opening of the trust fund account, River Vale shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

## **8 Use of funds**

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the River Vale's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not



limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- b) Funds shall not be expended to reimburse River Vale for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
  - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
  - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) River Vale may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be

expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

**9. Monitoring**

- a) River Vale shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with River Vale's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

**10. Ongoing collection of fees**

- a) The ability for River Vale to impose, collect and expend development fees shall expire with its substantive certification unless River Vale has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If River Vale fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). River Vale shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall River Vale retroactively impose a development fee on such a development. River Vale shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Township of River Vale  
Affordable Housing Trust Fund Spending Plan  
DRAFT

**INTRODUCTION**

The Township of River Vale, Bergen County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on October 24, 2006 and adopted by the municipality on February 12, 2007. The ordinance establishes the Township of River Vale's affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, Township of River Vale has collected \$ 947,074, expended \$ 0, resulting in a balance of \$ 947,074. As of the date of petition the Township had a balance of \$947,074.00, which the Township received a waiver to expend the entire amount consistent with a Resolution approved by COAH on December 10, 2008, granting a waiver from N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a). All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Commerce Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

The Township of River Vale first petitioned COAH for substantive certification on February 27, 1995 and received prior approval to maintain an affordable housing trust fund in October 10, 1993. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was \$ 790,939.50. From January 1, 2005 through July 17, 2008, River Vale collected an additional \$ 156,134.61 in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, River Vale expended \$79,534.67 on the affordable housing activities detailed in section 4 of this spending plan.

## 1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, River Vale considered the following:

### (a) Development fees:

1. During 2008, there have been fees in the amount of \$53,784.64 collected for projects recently approved; although this money was received prior to July 17, 2008.
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and

Based upon an analysis of residential certificates of occupancy and demolitions permits issued from 1999 to 2008 we determined a historic rate of development in order to project future development for the purposes of calculating projected development fees. For the residential portion we project that there will be a net increase of 2 units per year from 2009 until 2018 for a total of 20 additional housing units. Using the 1.5% and an equalized assessed home value of \$600,000, it is projected that an additional \$180,000.00 will be realized from the collection of residential development fees.

There are no non-residential application pending before either the Planning Board or Zoning board and non-residential activity has been minimal over the past 10 years with the exception of two larger developments along Westwood Avenue which this type of development is not anticipated to occur in the future. Therefore, at this time there is no anticipated additional fees that are projected for non-residential use.

### (b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

There is only one development that will provide a payment in lieu, which is the River Vale Developers project. There was a payment proposed that was to be utilized to fund an RCA, but now that the RCA is no longer viable the money will be used for another purpose. The monetary contribution is in the amount of \$280,000.00.

### (c) Other funding sources:

No other funds are anticipated to be collected.

### (d) Projected interest:

Using an interest rate of 1.3% it is projected that an additional \$5,980 of interest will be realized.

*[Provide a breakdown by year for all sources of funds collected and/or anticipated during the substantive certification period. COAH will substitute actual revenue for the period between the preparation of this spending plan and COAH's approval, as entered by the municipality in the CTM system. Use and submit additional spreadsheet(s) as necessary. A sample spreadsheet format is provided below.]*

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018											
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:												
1. Approved Development												
2. Development Pending Approval												
3. Projected Development	0	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	180,000
(b) Payments in Lieu of Construction	0				140,000	140,000						280,000
(c) Other Funds (Specify source(s))												
(d) Interest	0											5980.00
Total	0	18,000	18,000	18,000	158,000	158,000	18,000	18,000	18,000	18,000	18,000	465,980

River Vale projects a total of \$ 465,980.00 in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

## **2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by River Vale:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with River Vale's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

Distribution of development fee revenue shall be consistent with River Vale's development fee ordinance in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

## **3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

River Vale will dedicate \$ 947,074.00 to new construction programs (see detailed descriptions in Fair Share Plan) as follows:

**Rehabilitation program:** There is no rehabilitation requirement and no funds will be expended for these purposes.

**New construction project(s):** \$ 947,074.00 will be expended to purchase of the Kirk property, which will be developed with a 31 unit age-restricted rental building.

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Municipalities are required to spend a minimum of 30 percent of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very low-income households (i.e. households earning less than 30 percent of the regional median income).

Pursuant to the municipal tracking and monitoring report the projected minimum affordability assistance requirement is \$286,360.53.

River Vale will dedicate \$ 286,360.53 from the affordable housing trust fund to render units more affordable, including \$ 95,453.51 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

River Vale will use money for affordable assistance programs as contained in N.J.A.C. 5:97-8.8.

**(c) Administrative Expenses (N.J.A.C. 5:97-8.9)**

River Vale projects that \$104,092.76 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are consistent with N.J.A.C. 5:97-8.9.

#### **4. EXPENDITURE SCHEDULE**

River Vale intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.





## **5. EXCESS OR SHORTFALL OF FUNDS**

Pursuant to the Housing Element and Fair Share Plan, the governing body of River Vale has adopted a resolution agreeing to fund any shortfall of funds required for purchasing property in order to construct affordable housing. In the event that a shortfall of anticipated revenues occurs, River Vale will bond for a shortfall. A copy of the adopted resolution is attached.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to provide affordability housing assistance.

## **6. BARRIER FREE ESCROW**

None are proposed.

## **SUMMARY**

River Vale intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated December 4, 2008.

River Vale has a balance of \$ 947,074 as of July 17, 2008 (All of that money will be spent as approved by COAH leaving a balance of \$0) and anticipates an additional \$ 465,980 in revenues before the expiration of substantive certification for a total of \$ 465,980. Based upon projections the municipality proposes to dedicate \$ 375,980 towards affordability assistance, and \$90,000 to administrative costs. The municipality will dedicate any excess funds toward affordability assistance programs.

<b>SPENDING PLAN SUMMARY</b>	
Balance as of July 17, 2008	\$ 947,074
<b>PROJECTED REVENUE July 18, 2008-2018</b>	
Development fees	+ \$ 180,000
Payments in lieu of construction	+ \$ 280,000
Other funds	+ \$
Interest	+ \$ 5,980
<b>TOTAL REVENUE</b>	<b>= \$ 1,413,054</b>
<b>EXPENDITURES</b>	
Funds used for Rehabilitation	- \$
Funds used for New Construction	
1. <i>Purchase of Kirk Property</i>	- \$ 947,074
2.	- \$
3.	- \$
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$ 375,980
Administration	- \$ 90,000
Excess Funds for Additional Housing Activity	= \$
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>= \$</b>
<b>REMAINING BALANCE</b>	<b>= \$0.00</b>



Township of River Vale  
County of Bergen  
State of New Jersey

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**ORDINANCE # 192-2008**

Date of 1 <sup>st</sup> reading: February 11, 2008	Motion to Introduce by: Councilman de Stefan
Date of Public Hearing: March 10, 2008	Motion Seconded by: Councilman Bromberg

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 142 OF THE CODE OF THE TOWNSHIP OF RIVER VALE, CREATING A NEW ZONE, ENTITLED TH-1 TOWN HOME ZONE (T.H. Zone)**

**BE IT ORDAINED** by the Mayor and Council of the Township of River Vale that Chapter 142 entitled "Land Use" of the River Vale Code is hereby amended as follows:

**Section I:** Section 142-221 of the Code of the Township of River Vale entitled "Zoning Districts and Map" is hereby amended to include the following additional zone: TH-1 Town Home Zone (T.H. Zone).

**Section II:** The Zoning Code and Zoning Map of the Township of River Vale are hereby amended to designate Lots 5, 5.01, 5.02, 7, 8, a portion of 6 and a portion of 9 where shown on the Zoning Map, in Block 701 on the Tax Map of the Township of River Vale as included in its entirety in the newly created TH-1 Town Home Zone (T.H. Zone).

**Section III:** Under Article LII of the Code of the Township of River Vale, entitled "Use of Buildings and Permits" is hereby amended to include a new subsection entitled "TH-1 Town Home Zone." Said new section shall read as follows:

**\*\*\* TH-1 Town Home Zone (T.H. Zone).**

1. **Definitions:** Definitions shall be in accordance with Part I, Article I "General Provisions" of Chapter 142 of the Township of River Vale Land Use Ordinance and the following additional definitions shall apply with respect to the additional terms set forth in this section:.

**AGE RESTRICTED DWELLING OR UNIT** — A Townhouse as hereinafter defined, designated for permanent occupancy by households composed of at least one (1) permanent resident, whom is a head of the household and has attained the age of 55 years and in which actual occupancy and use are confined accordingly, consistent with all federal and state standards, laws, rules and regulations.

**COMMON RECREATION AREAS** — One or more parcels of land

and/or water within a development site, designed and intended primarily for the use and enjoyment of the residents therein. Such areas may contain such complementary structures and improvements for active or passive recreational pursuits as are necessary and appropriate for the benefit and enjoyment of the residents of the development.

**OPEN SPACE** — Any parcel or area of land or water essentially unimproved and approved by the Township to be set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land. It may include common recreation areas, fields, woodland areas, parks, playgrounds, golf courses, tennis, squash and similar courts, skiing and skating facilities, nature trails, lakes and swimming pools, camping facilities and other similar open space, including walkways and sidewalks.

**PLAN** — The written and graphic provisions for development of a development, including a plat of a subdivision; all covenants relating to use, location and bulk of buildings and other structures; intensity of use or density of development; public and private streets, ways and parking facilities; common open space; and public facilities. The phrase "provisions of the plan," when used in this section, shall mean the written and graphic materials referred to in this definition, the developer's agreement, the minutes and resolutions of the Planning Board, the application and the plan itself.

**TOWNHOUSE** — A building or structure designed for or occupied by no more than one family or household and attached to other similar buildings or structures by not more than two party walls (which shall be of masonry or other approved fire-rated construction) extending from the foundation to the underside of the roof and providing two direct means of access from the outside. Furthermore, each such dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse.

2. **Uses:** In the TH-1 Town Home Zone (T.H. Zone), only the following uses are permitted:

- A. Townhouses
- B. COAH Units, as set forth below
- C. Age Restricted Units

D. When incidental to a primary use within a TH-1, indoor and outdoor common areas, recreational areas, and community facilities provided for the exclusive use of its residents, and subject to the following regulations:

1) Common recreation areas intended for recreational purposes shall include facilities for active and passive recreation particularly suitable for residents.

2) Any multipurpose facility shall be designed and equipped to meet the social and recreational needs of the anticipated residents of the TH-1. This may include exercise rooms, hobby and craft rooms, lounge areas, meeting rooms, card rooms, rooms providing support facilities for outdoor recreational facilities or other similar facilities, all as required to meet the needs of the residents.

3) Attached common garage structures and indoor and/or outdoor areas devoted to off-street parking.

4) One double-faced ground type sign identifying the development may be located at each entrance to said development provided such sign meets all the requirements of Article LIII of this code, with the following exception:

a) Any such sign located within the TH-1 is limited to eighteen (18) square feet in area on each side and is mounted no greater than four (4) feet above finished grade on a freestanding wall or a structure not exceeding six (6) feet in height above the ground level. The design, location and landscaping of such sign shall be as approved by the Planning Board.

**E. Open Space.**

**3. Requirements for TH-1 Town Home Zone (T.H. Zone).**

**A. Use and Occupancy Restrictions:**

1. Principal Permitted Uses. Except as otherwise set forth below in Section 4 COAH Obligations and Section 5 Age Restricted Housing Obligations, principal Permitted Uses in a T.H. Zone shall include one (1) or more multi-family residential buildings with said dwelling units specifically designed and intended for and limited to occupancy for residential purposes only.

2. Bedroom Distribution for Fair Market Units.

Except with respect to affordable housing units as set forth below in Section 5 and age restricted housing units as set forth in Section 6, every development in the T.H. Zone shall establish a distribution for the number of bedrooms such that: (a) a minimum of 40% shall be one-bedroom units; (b) up to 60% may contain two-bedrooms and (c) no more than two units shall be three-bedroom units. Except with respect to affordable housing units as set forth in Section 5 and age restricted housing units as set forth in Section 6, through its corporation, association or owners, the land and buildings in any T.H. Zone shall be restricted, by bylaws, rules, regulations and restrictions of record, to the preceding restrictions on bedroom distribution.

3. Federal Fair Housing Act. The T.H. Zone shall comply with all applicable requirements of the Federal Fair Housing Act and all amendments thereto, except as noted above, and all applicable rules and regulations of the U.S. Department of Housing and Urban Development (HUD) regarding such use, ownership and occupancy and shall further comply with all applicable HUD rules and regulations for self-certification of compliance with the Act and with HUD's rules and regulations.

4. COAH Obligations. Notwithstanding anything herein to the contrary,

any development consisting of more than five units in the T.H. Zone shall comply with the standards and procedures set forth below relating to affordable housing requirements of N.J.A.C. 5:94 and 5:95 and N.J.A.C. 5:80-26, which contain COAH's Round 3 substantive and procedural rules, as amended and/or revised ("COAH Obligations"). All residential developers in T.H. Zone building more than five units must meet the requirements of the affordable housing obligation set forth below. No division, site plan approval or building permit shall be granted to a developer having an affordable housing obligation pursuant to this section unless the developer participates in the production of affordable housing pursuant to this article:

a. Minimum Phasing Schedule. Any developments consisting of more than five units in the T.H. Zone shall contain a minimum percentage of twenty percent (20%) of affordable housing units on the property. By way of example, in the event a developer was to construct a total of 59 housing units on the property, 12 such housing units must be affordable housing. All affordable housing units shall be distributed throughout the T.H. Zone in a spatially even manner.

b. Certificates of Occupancy. Certificate of occupancy for the remaining free-market units shall not be issued unless the developer has obtained certificates of occupancy for the affordable units in compliance with the above schedule.

c. Cash Contribution Alternatives. No cash contribution alternative will be accepted in lieu of construction of the required affordable housing.

d. Affordable Housing Official. The Township may appoint an Affordable Housing Official who will be responsible for monitoring and implementing the provisions of this article and assuring that the affordable units remain affordable to affordable households. No certificate of occupancy shall be issued for an affordable unit without the written approval of the Township or the Affordable Housing Official. Such approval shall be denied unless the unit is subject to an individual or master deed containing a covenant running with the land which assures that the unit will remain affordable to affordable households for a period of at least the minimum required by COAH.

e. Sales, etc. No affordable unit shall be sold or resold, rented or rerented without the written approval of the Township or the Affordable Housing Official. In order to obtain such approval, the seller or lessor shall be required to demonstrate that the proposed sale or lease complies in all respects with the provisions of this article and COAH Obligations.

f. Pricing of Units. Every development subject to the requirements of this article shall contain a number of low- and moderate-income units consistent with COAH Obligations. All units subject to the requirement of this Section shall be subject to price stratifications as set forth in the COAH Obligations. Pricing of units shall be stratified to insure that there are a variety of sales prices or, as the case may be, rental rates pursuant to N.J.A.C. 5:80-26, as amended or revised.

1. Rents or sale prices of units shall be established in accordance with the Uniform Affordability Controls set forth in N.J.A.C. 5:80-26.

2. In establishing prices and rents, the Uniform Housing Affordability Controls rely on the regional income limits determined as follows:

(a) Median income by household size shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households in each housing region. This quotient represents the regional weighted average of median income for a household of four. This regional weighted average is adjusted by household size based on multipliers used by HUD to adjust median income by household size.

(b) The price and rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income tax credit regulations shall be indexed pursuant to the regulations governing low income tax credits.

g. Bedroom distribution. Every development subject to the requirements of this article shall establish a distribution for the number of bedrooms in the affordable units in accordance with the Uniform Affordability Controls set forth in N.J.A.C. 5:80-26, as amended or revised.

h. Affirmative marketing program. Every development subject to the requirements of this article shall submit an affirmative marketing program designed to disseminate information regarding the availability of affordable income units. The affirmative marketing process for available affordable units shall begin at least four months prior to expected occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold. The program shall include at least the following:

(a) One advertisement will be published in at least the following newspaper(s) (and any other newspaper(s) deemed necessary by the Township) of general circulation (or at the within the housing region:

The Record  
Community Life

(b) The advertisement will include the following:

- (1) The location of the units;
- (2) Directions to the housing units;
- (3) A range of prices for the housing units;
- (4) The size, as measured in bedrooms, of the housing units;
- (5) The maximum income permitted to qualify for the housing units;

(6) The business hours when interested households may obtain an application for a housing unit; and

(7) Application fees, if any.

(c) One advertisement will be broadcasted on the following regional radio and/or cable television station(s) (and any other such station deemed necessary by the Township):



## Cablevision of New Jersey

(d) Additionally, all newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in at least the following (and any other such newspapers deemed necessary by the Township):

The Record  
Community Life

(e) Applications will be mailed to prospective applicants upon request.

(f) The following is the location of applications, brochure(s), sign(s), and/or poster(s) currently used as part of the affirmative marketing program:

(1) The county administrative building and/or the county library for each county within the housing region;

(2) The municipal administrative building(s) and the municipal library;

(3) The developer's sales/rental office.

(g) The following is a current list of community and regional organizations that will aid in soliciting low- and moderate-income applicants:

Religious Groups  
Tenant Organizations  
Civic Organizations

(h) The following is a description of the random selection method that will be used to select occupants of low- and moderate-income housing:

Each applicant upon submission of an application will be designated a number. Two categories will be created: one for low-income households and one for moderate-income households. A blind drawing will be undertaken: one each for low- and moderate-income households who are eligible for the specific affordable units.

(i) A waiting list of all eligible candidates will be maintained in accordance with the provisions contained in N.J.A.C. 5:80-26 et. seq.

(j) Households who live or work in Housing Region 1 shall be given preference for sales and rental units constructed within this Housing Region. Applicants living outside this Housing Region will have an equal opportunity for units after regional applicants have been initially serviced.

5. Age Restricted Housing Obligations. Notwithstanding anything herein to the contrary, any development consisting of more than five units in the T.H. Zone shall comply with the standards and procedures set forth below relating to age restricted housing obligations. All residential developers in T.H. Zone building more than five units must meet the requirements of the age restricted housing obligation set forth below. No division, site plan approval or building permit shall be granted to a developer having an affordable housing obligation pursuant to this section unless the developer participates

in the production of age restricted housing pursuant to this article:

a. Minimum Phasing Schedule. Any developments consisting of more than five units in the T.H. Zone shall contain a minimum percentage of sixteen percent (16%) of age restricted housing units on the property. By way of example, in the event a developer was to construct a total of 59 housing units on the property, 10 such housing units must be age restricted housing. All age restricted housing units shall be placed together as a separate unit within the T.H. Zone.

b. Use and Occupancy Restrictions Applicable to Age Restricted Housing:

1. Principal permitted uses for the age restricted housing units shall include one (1) or more multi-family residential buildings with said dwelling units specifically designed and intended for and limited to occupancy by households composed of at least one (1) permanent resident fifty-five (55) years of age or older and with children under the age of 19 being expressly prohibited.

2. Through its corporation, association or owners, the land and buildings for the age restricted housing units shall be restricted, by bylaws, rules, regulations and restrictions of record, to permanent use and occupancy by persons of fifty-five (55) years of age or older, subject to the following exceptions, consistent with the requirements of the Federal Fair Housing Act, as amended, all units shall meet the age requirements herein.

(a) A spouse or other person under the age of fifty-five (55) years who is residing with a person who is fifty-five (55) years of age or over and qualified to reside in the unit may reside in the age restricted housing.

(b) An adult under fifty-five (55) years of age may reside in a unit in the age restricted housing if it is established that the presence of such person is essential to the physical care of one or more of the occupants of the same unit who are qualified to reside in the unit. A certified letter from a medical doctor must be provided indicating the necessity of such care.

(c) Children over the age of nineteen (19) shall be permitted to reside in the same unit with a parent if the parent is fifty-five (55) years of age or over and qualified to reside in the age restricted housing unit.

3. The age restricted housing shall comply with all applicable requirements of the Federal Fair Housing Act and all amendments thereto, except as noted above, and all applicable rules and regulations of the U.S. Department of Housing and Urban Development (HUD) regarding such use, ownership and occupancy and shall further comply with all applicable HUD rules and regulations for self-certification of compliance with the Act and with HUD's rules and regulations. The residency restriction applicable to the development may be reviewed by the Township Attorney for compliance with the Federal Fair Housing Act.

**B. Area and Density Requirements.** The following requirements shall apply to any tract proposed for T.H. Zone development:

1. Minimum Tract Area. There shall be a minimum tract area of five (5)

acres having a minimum road frontage of Two Hundred (200) feet.

2. Maximum Density and Number of Units. There shall be no more than fifteen (15) dwelling units per gross lot acre within the T.H. Zone and a maximum of fifty-nine (59) dwelling units per development.

3. Maximum Building Coverage. The total ground floor area of all buildings, including accessory buildings and common garages shall not exceed forty (40%) percent of the gross tract area.

4. Maximum Impervious Coverage. The total coverage of the tract by all buildings, paved or other hard surfaces (including brick pavers and/or loose-placed stone patios) and parking areas, but excluding drainage structures and detention and retention basins, shall not exceed sixty-five percent of the gross tract area (such calculation to include all Open Space included in the proposed Site Plan).

**C. Setback and Height Requirements.** The following setback and height requirements shall apply to the development of the T.H. Zone:

1. Limiting Schedule

Minimum front setback (feet)	10; or 30 feet if adjacent to a County Road
Minimum side yard setback (feet)	10; or 30 feet if adjacent to a County Road
Minimum rear yard setback (feet)	10; or 30 feet if adjacent to a County Road
Minimum distance between buildings:	10 feet, subject to public safety issues as determined in good faith by the Planning Board
Maximum building height	3 stories or 35 feet (whichever is less)
Minimum buffers	
To adjacent single-family lot (feet)	25 feet
To adjacent commercial lot (feet)	10 feet

2. Intentionally Deleted.

3. Lot Depth: The minimum lot depth shall be two hundred (200) feet.

4. Balcony Projections into Required Yard. Only one (1) balcony per unit located either in the rear yard or side yard in the T.H. Zone shall be permitted. No balcony shall project greater than five (5) feet into the minimum rear yard or side yard.

**D. Amenities.**

1. The T.H. Zone may include indoor and outdoor common areas, recreational areas and community facilities provided for the exclusive use of its residents.

2. Areas intended for recreational purposes shall include facilities for active and passive recreation particularly suitable for residents.

3. Any multipurpose facility shall be designed and equipped to meet the social and recreational needs of the anticipated residents of the T.H. Zone. This may

include exercise rooms, hobby and craft rooms, lounge areas, meeting rooms, card rooms, rooms providing support facilities for outdoor recreational facilities or other similar facilities, all as required to meet the needs of the residents.

4. Elevators shall be provided as required by the Uniform Construction Code, although one elevator may service more than one building where buildings are separated by fire walls but are otherwise interconnected.

#### **E. Roadways and Parking Standards.**

1. The requirements of the Residential Site Improvement Standards (RSIS) shall apply to the development of the T.H. Zone

2. Private streets and roadways shall be permitted within the T.H. Zone and shall be designed and constructed in accordance with the River Vale Development Ordinance and the RSIS standards, where applicable.

3. All requirements of the River Vale Land Development Ordinance relating to parking lot design, except as otherwise regulated herein or superseded by the RSIS, shall be applicable to the T.H. Zone. All driveways for each Unit shall be a minimum in length to accommodate an oversized vehicle (i.e., a van or SUV), while leaving at least two feet between the front of the vehicle and the garage for such unit.

4. No overnight parking of recreational or commercially registered vehicles and no parking of used vehicles, mobile homes, trailers or boats, shall be permitted on the site.

5. Garaged parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet long.

6. Parking spaces or driveways serving individual dwelling units shall not be entered directly from any street not created by the development plan. This shall not preclude driveways and parking spaces being accessed from interior development streets within the T.H. Zone tract. Parallel parking along interior development streets within the T.H. Zone tract shall be permitted consistent with the RSIS and local emergency services recommendations.

7. There shall be a minimum of one and three quarter (1.75) parking spaces for each residential unit containing one bedroom, a minimum of two (2.0) parking spaces for each residential unit containing two or three bedrooms and a minimum of the greater of RSIS standards or .3 guest parking spaces for each residential unit.

#### **F. Buffer and landscaping.**

1. Tree restitution and reforestation shall be in accordance with Part 6, Article XXXVII of the Township of River Vale Land Use Ordinance. Shade trees and other landscaping shall be provided in all site plans where deemed appropriate by the planning board. All shade trees shall have a minimum diameter of three (3.0) inches measured three (3) feet above the ground and with all landscaped plants shall be of various species approved by the approving authority. Trees shall be planted not less than thirty (30) to fifty (50) feet apart and parallel to, but no more than ten (10) feet from, the

curb line and shall be balled and burlapped, nursery grown, free from insects and disease and true species and variety. Stripping trees from a lot or filling around tree drip lines on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees, in which case those lots shall be replanted with trees to reestablish the character of the area and to conform to adjacent lots. Dead or dying trees shall be replaced by the developer during the next recommended planting season. Parking lots shall be planted as required below.

2. With respect to any subject site in the T.H. Zone which has a property line bordering a County Road, a soil berm of at least four (4) feet high and ten (10) feet wide (or such reasonable alternative as determined by the Planning Board) shall be installed within the setback area along the length of the property line bordering such County Road and parallel to, but no more than ten (10) feet from the curb line or such reasonable alternatives as determined by the Planning Board. A staggered row of coniferous trees (or reasonable alternatives as determined by the Planning Board) having a height of at least ten (10) feet (measured from the base of each tree) shall be installed on such berm. Such trees shall be located to create an unbroken visual screen and to otherwise maximize the visual screening of the development on the subject site from any County Road.

3. A landscape plan prepared by a certified landscape architect, certified by the New Jersey Board of Landscape Architects, or other qualified individual, shall be submitted with each site plan application for approval by the Planning Board, in its reasonable discretion. Landscaping shall be provided to promote a desirable visual environment, screen parking and loading areas, provide windbreaks for winter winds and summer cooling for buildings, streets and parking, and to mitigate adverse visual impacts. Landscaping shall include a "year-round" visual screening landscape buffer

4. Minimum Landscaping standards in parking areas shall be provided as follows:

(a) Landscaped strips of a minimum four feet in width shall be provided between all parking lots and property lines, and a minimum 10 foot landscaped strip shall be provided between all buildings and property lines.

(b) Landscaped areas should be located in protected areas such as along walkways, in center islands, or at the end of parking bays and shall be distributed throughout the parking area to mitigate the view of the parked vehicles without interfering with adequate sight distance for vehicles or pedestrians. The landscaping shall consist of hardy, low maintenance varieties of trees, and shrub plantings, as well as trees of a minimum 8 feet in height.

(c) One shade tree with a minimum diameter of three (3) inches measured three (3) feet above the ground, shall be provided for every five (5) parking spaces. Trees shall be staggered and/or spaced so as not to interfere with driver vision and shall have branches no lower than six (6) feet.

(d) All landscaping and plantings shall be maintained continually in accordance with provisions of the site plan approval for the development. Plantings which do not live shall be replaced within six months, but no longer than the next growing season. Notwithstanding this provision, all applicants must continually meet the provisions of site plan approval with respect to the maintenance of landscape plans.

## **G. Utilities.**

1. All utilities within the development shall be placed underground from the service point locations surrounding the site.

**H. Other Improvements and Design Standards.** The development plan for the site, its developed facilities and the interior of residential units in the T.H. Zone must be specifically designed in accordance with all applicable building codes of the State of New Jersey.

1. Each development in the T.H. Zone shall have an architectural theme with variations in design to provide harmonious, theme-related earth tone colors in the style and architectural character commonly referred to as Early Colonial, New England Colonial Georgian, Federal, Queen Anne or Jeffersonian. Landscape plantings, building orientation on the lot, topography, natural features and building design shall all be considered for the total T.H. Zone development. Staggering unit setbacks, utilizing different exterior materials, changing rooflines and roof designs, altering building heights and types of windows, shutters, doors and façade orientation, and other creative design techniques are encouraged and will be considered by the Planning Board during its review process. The applicant shall provide building elevation renderings to show that a minimum of 30% of the exterior of each building is comprised of a brick, stone material, or a differential material composition than the balance of the building.

2. Each dwelling unit shall be equipped with central heating and air-conditioning systems with independent controls for each.

3. Each dwelling unit shall contain plumbing and gas or electric connections for a clothes washer and dryer.

4. Each dwelling unit shall contain sprinkler systems for fire prevention and risk reduction. Smoke alarms shall be installed in each dwelling unit in the T.H. Zone in accordance with the requirements of the Uniform Construction Code (N.J.S.A. 52:27D-119).

5. Each occupant shall be responsible for the disposal of household garbage, recyclable materials and refuse as required in other residential districts, provided, however, that a Homeowners' Association may assume the responsibility to arrange for the disposal of the solid waste and recyclables produced within the T.H. Zone in accordance with applicable municipal codes.

6. A safe and convenient system of walkways accessible to all occupants shall be provided within the development, and along all public roadways and publicly owned driveways. The site plan shall show the locations of all pedestrian walkways and sidewalks (which call be continuous throughout the development per the RSIS), and be in accordance with the RSIS.

7. Lighting plans for the entire development shall be submitted with the site application. Artificial lighting shall be provided along all walks and interior roads and driveways and in all off-street parking areas, depending upon anticipated nighttime use, with sufficient illumination for the safety and convenience of the residents. The source of lighting shall be directed downward, away from buildings and adjoining streets

and property lines. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential area.

Light fixtures shall not be greater in height than twenty (20) feet and shall be aimed and shielded in a manner that shall not direct illumination on adjacent lands. Fixtures should be of the cut-off type to prevent glare from normal viewing angles and represent an architectural "period" or theme consistent with building exteriors. Illumination levels shall average not more than one footcandle over the site, and at no point shall they exceed three and one half (3.5) footcandles. Lighting shall provide a minimum Uniformity Ratio of 20:1 (Maximum: Minimum) on all paved surfaces used for motor vehicles.

Lighting plans shall include photometric data, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures, and if applicable or required, designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures.

Computer generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines at a scale consistent with site plans. Iso-footcandle contour line style plans are also acceptable.

Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the dark night sky. The maximum illumination of any vertical surface or angular roof surface in dark surroundings shall not exceed three footcandles.

Flags of the United States or New Jersey State may be illuminated from below provided such lighting is focused primarily on the individual flag or flags so as to limit light trespass and spill into the dark night sky.

8. On-site security and maintenance service systems may be provided in the T.H. Zone.

#### **I. Ownership and Management of Common Areas, Elements and Open Space.**

1. A Homeowner's Association or Condominium Association shall be established to provide and maintain all common areas, elements and open space for the benefit of residents of the development. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise (except to an organization conceived and established to own and maintain the open spaces for the benefit of such development), without first offering to dedicate the same to the Township of River Vale or other government agency.

2. The regulations of N.J.S.A. 40:55D-43 b. and c. shall be applicable to the maintenance of the open space.

3. If any open space, easements or common areas on the tract are dedicated to and accepted by the Township, the area of such portions of the tract shall nonetheless be included in calculating the permitted density of the development.

4. As a condition of the approval of a proposed development, the Planning Board shall require of the organization established or to be established town and/or maintain common open space, any other common areas or elements or the structures located within the development that it adopt certain binding rules and regulations or bylaws with respect to ensuring the objectives and purposes of reasonable maintenance. If, as a condition of Planning Board approval, certain provisions are required to be included within the rules and regulations or bylaws, such provisions shall not be changed without the prior approval of the Planning Board.

5. A Homeowner's Association or Condominium Association shall be established to provide and maintain the continual operation of all storm water management devices and systems within the development.

#### **J. Conditions of Preliminary Approval.**

As a condition of preliminary approval of the development, the Board may provide for final approval of the plan and construction of the project in whole or in one or more sections or stages.

**Section IV.** All ordinances or portions of ordinances, which are inconsistent with this Ordinance, shall be repealed as to their inconsistencies only.

**Section V.** If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

**Section VI.** This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181 (b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

**Section VII:** This ordinance amends various portions of the Code of the Township of River Vale. All parts of this section and other parts of the Code shall remain in full force and effect unless specifically amended by this Ordinance.

**Section VIII:** This ordinance shall become effective immediately upon passage and publication in accordance with law.



JOSEPH BLUNDO, MAYOR

J. Blundo

3/18/08  
Date Signed by Mayor

\_\_\_\_\_  
Date Vetoed by Mayor

ATTEST:

Karen Padva  
Karen Padva, Township Acting Clerk

Date Introduced: 2/11/08

Date Adopted: 3/10/08

Council Member	AYE	NAY	N.V.	A.B	VETO
BROMBERG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DE STEFAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASIONOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Council Member	AYE	NAY	N.V.	A.B	VETO
MATOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SIEG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)